

REMARKS

Reconsideration of the present application is respectfully requested.

Summary of Office Action

Claims 1-48 stand rejected under 35 U.S.C. § 102(e) based on U.S. Patent no. 6,986,018 of O'Rourke et al. ("O'Rourke").

Summary of Amendments

Claims 49-57 are new. No claims have been amended or canceled in this response. No new matter has been added.

Request for Telephone Interview

Applicants respectfully request that the Examiner call the undersigned at (408) 720-8300 to schedule a telephone interview, in the event the Examiner does not find the present application to be allowable after considering this response.

Response to Examiner's Comments In Advisory Action

In the Advisory Action (continuation sheet), the only response that the Examiner provides to Applicant's arguments is the bare assertion that "all of applicants [sic] arguments in the after final amendment have been previously addressed in the final Office action dated 1/17/2007." However, that assertion is clearly untrue, since Applicant's arguments in the Response to Final Office Action filed on 2/26/2007 include several specific responses to remarks which the Examiner made for the first time in the Final Office Action. Therefore, the Examiner could not possibly have addressed all of

Applicant's arguments in the Final Office Action. It appears, therefore, that the Examiner did not give complete consideration to Applicant's arguments.

Discussion of Rejections

Applicant respectfully traverses the rejections. Applicant reserves the right to swear *behind* O'Rourke in a future response if Applicant deems it appropriate to do so.

Claim 1 recites:

1. (Previously presented) A device to operate as an intermediary node on a network, the device comprising:
 - a user interface to enable a user to specify a set of forwarding rules for forwarding requests on the network;
 - a database to store the set of forwarding rules;
 - a request processing unit to receive a request **from a client**; and
 - a rule evaluator to evaluate the set of forwarding rules to identify a rule in the set of forwarding rules which applies to the request, such that the request processing unit attempts **to forward the request to a destination selected according to said rule**. (Emphasis added.)

O'Rourke fails to disclose or suggest any selection of a destination to which to *forward a request from a client* based on a rule that applies to the request, per Applicant's claimed invention. The closest O'Rourke comes to this is to disclose *redirecting* a client to a different server (col. 6, lines 59-62). A *redirect* is a well-known function in network technology and, as previously explained, it is not the same as or even similar to *forwarding a request from the client*. Unlike forwarding a request to a destination selected according to a forwarding rule, in a *redirect* a client is *informed* by an entity such as a cache server of a different entity from which *the client* can retrieve the requested information.

In the Final Office Action, the Examiner responds to Applicant's arguments by stating, "As to Applicant's argument O'Rourke in the background section of the disclosure mentions that need of flexible architecture that allows a common cache server to be configured by a user by selecting and applying various sets of policies to the cache server (col. 2, lines 23-33)." Final Office Action, p. 6. Applicant's response is that this disclosure in O'Rourke cited by the Examiner has little or no relevance to *what is claimed* by Applicant. That disclosure certainly does not teach or suggest that a destination to which to *forward a request from a client* is selected based on a rule that applies to the request.

The Examiner further states, "Further in the summary section O'Rourke describes those set of policies (rules) to include a policy for distributing (forwarding) media content in response to a media content request from a user (col. 2, lines 50-67). Therefore O'Rourke clearly describes the argued limitation." Final Office Action, p. 6. Applicant's response is that, even assuming *arguendo* that *distributing media content* could be considered "forwarding" the media content (which Applicant does not concede), *that is not what Applicant has claimed*. Applicant's claim 1, for example, recites, "the "request processing unit attempts to *forward the request [from the client]* to a destination selected according to said rule." (emphasis added). Thus, the claim language recites forwarding *a request from the client*, *not* forwarding or distributing the requested *content*. Nowhere does O'Rourke disclose or suggest selection of a destination for forwarding *a request from the client*, much less doing so based on a set of forwarding rules.

Applicant respectfully maintains that O'Rourke fails to disclose or suggest all of the limitations of Applicant's claims, as explained above and in the previous response. All of Applicant's independent claims include limitations similar to those discussed above. Therefore, all of Applicant's claims are patentable over the cited art.

The Examiner concludes by stating, "Finally Examiner advises the applicant to incorporate more details regarding the rule(s) or any other aspect of the invention that are derived from the specification into the independent claim language to further proceed the application in positive direction." Final Office Action, p. 6. In response, Applicant respectfully states that the best way to advance prosecution at this point is for the Examiner to more carefully apply his analysis to the *specific limitations recited in Applicant's claims*, not some inaccurate paraphrasing of the claim language, and to *not* read into the cited art more than what the cited art actually discloses or suggests. In the absence of a sustainable rejection, therefore, Applicant respectfully declines the Examiner's invitation to narrow the claims.

For the foregoing reasons, Applicant respectfully submits that the rejections are improper, and Applicant respectfully requests that the rejections be withdrawn.

New Claims

New claim 49 recites:

49. (New) A proxy cache to operate as an intermediary node on a network, the proxy cache comprising:
- a user interface to enable a user to specify a set of forwarding rules for forwarding requests on the network;
 - a database to store the set of forwarding rules;
 - a request processing unit to receive a request at the proxy cache

from a client;

a rule evaluator to evaluate the set of forwarding rules to identify a rule in the set of forwarding rules which applies to the request; and

a rule engine to determine availability of a host indicated in said rule and to select the host as a forwarding destination for the request if the host is determined to be available, the rule engine further to indicate the host to the request processing unit if the host is determined to be available to cause the request processing unit to forward the request from the proxy cache to the host. (Emphasis added.)

The above arguments regarding claim 1 also apply to claim 49. In addition, the cited references also do not disclose or suggest a proxy cache that includes (*inter alia*), per claim 49, a rule engine *to determine availability of a host indicated in said rule* and to select the host as a forwarding destination for the request if the host is determined to be available, the rule engine further to indicate the host to the request processing unit if the host is determined to be available to cause the request processing unit to forward the request from the proxy cache to the host. The Examiner rejected dependent claim 5, which includes similar limitations to these, based on O'Rourke, citing O'Rourke at col. 8, lines 5-23 and 51-67, col. 9 and col. 10, lines 1-4 (Final Office Action, pp. 2-3). However, no disclosure or suggestion of this functionality is found in those sections or anywhere else in O'Rourke. Therefore, claim 49 and all claims which depend on it are further patentable over the cite dart for this additional reason.

Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicants' silence regarding any dependent

claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.


Conclusion

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If any additional fee is required, please charge Deposit Account No. 02-2666.

Respectfully submitted,
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